

FMT

Amendments to the Claims:

This listing of claims will replace all prior versions, and listings, of claims in the application:

Listing of Claims:

1.-10. (cancelled)

11. (Currently amended) A method of treating ~~or preventing~~ dementia of Alzheimer's type, or other loss of cognitive function caused by reduced neuronal metabolism, comprising

- a) providing a patient having a diet wherein carbohydrate intake is not restricted, and
- b) administering an effective amount of a medium chain triglyceride prodrug to said patient.

12.-19. (cancelled)

Applicant submits that the explanation on page 9, line 13 to page 10, line 9, coupled with the teaching of formulations which include carbohydrates clearly supports the limitation "a patient having a diet wherein carbohydrate intake is not restricted." "The invention claimed does not have to be described in *ipsis verbis* in order to satisfy the description requirement of § 112." *In re Lukach*, 169 USPQ 795 (CCPA 1971).

The Examiner has rejected Claims 1-4, 7, and 11 under 35 U.S.C. § 112, first paragraph, because the specification allegedly does not reasonably provide enablement for prevention of Alzheimer's. Claims 1-4, and 7 have been cancelled. Claim 11 has been amended to delete the reference to "preventing" in the interest of expediting prosecution. Applicant reserves the right to pursue claims directed to the prevention dementia of Alzheimer's type, or other loss of cognitive function caused by reduced neuronal metabolism in a continuing application. OK

#### The Rejection under 35 U.S.C. § 102(b)

The Examiner has rejected Claims 1, 7, and 11 under 35 U.S.C. § 102(b) as being anticipated by Blackburn, U.S. Pat. No. 4,528,197. The Court of Appeals for the Federal Circuit has stated that anticipation requires the presence in a single prior art reference of each and every element of the claimed invention. *Lindemann Maschinenfabrik GMBH v. American Hoist & Derrick Co.*, 730 F.2d 1452, 1458 (Fed. Cir. 1984); *Alco Standard Corp. v. Tennessee Valley Auth.*, 1 U.S.P.Q.2d 1337, 1341 (Fed. Cir. 1986). "There must be no difference between the claimed invention and the reference disclosure, as viewed by a person of ordinary skill in the field of the invention." *Scripps Clinic v. Genentech Inc.*, 18 U.S.P.Q.2d 1001, 1010 (Fed. Cir. 1991) (citations omitted).

Specifically, the Examiner asserts that Blackburn teaches a method comprising administering an emulsion of MCT to a patient, and the dementia-preventing qualities of the composition are inherent in the method of Blackburn, given that a compound and its properties are inseparable.

Applicant respectfully traverses this rejection. A prior art reference must contain each and every limitation of the claimed subject matter, either expressly or inherently, to anticipate. *EMI Group N. Am., Inc., v. Cypress Semiconductor Corp.*, 268 F.3d 1342, 1350 (Fed. Cir. 2001). The present invention is directed to a method of treating dementia of Alzheimer's type, or other loss of cognitive function caused by reduced neuronal metabolism. Claims 11, as amended